



12/11/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dirk Stenkamp *et al.*

Examiner: Patricia L. Morris

Serial No.: 10/697,443

Group Art Unit: 1625

Filed: October 30, 2003

Docket: 1/1406

Customer No.: 28501

Confirmation No.: 7729

For: ALKYNE COMPOUNDS HAVING MCH-ANTAGONISTIC ACTIVITY AND MEDICAMENTS COMPRISING THESE COMPOUNDS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

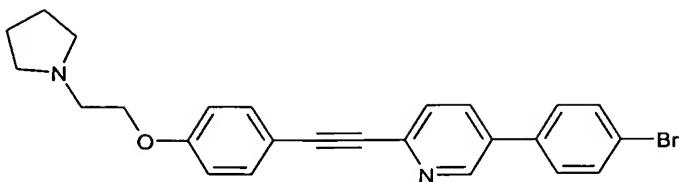
REPLY TO OFFICE ACTION DATED SEPTEMBER 13, 2006

Sir:

This Reply is filed in response to the Office Action dated September 13, 2006. In that Office Action, a one month shortened statutory period was set for response. Applicants hereby petition for the necessary extension of time under 37 C.F.R. § 1.136 and authorize that the fee due under 37 C.F.R. § 1.16 and any other fees due in connection with this Reply be charged to Deposit Account No. 02-2955. The extension of time fee is paid by the enclosed Fee Transmittal Form.

In the prior Office Action, the Examiner imposed a restriction requirement in the instant application and applicants responded. The Examiner then issued the prior and instant Office Actions alleging that the applicants' response was incomplete but *bona fide*. Applicants apologize for the confusion and any inconvenience of the Examiner.

In response to the instant Office Action, applicants elect Group III and elect for examination purposes Example 1.8 having the following chemical structure:



. In addition, for clarity applicants herewith maintain the traversal of the Restriction Requirement set forth in their prior responses. Applicants maintain that Groups I III, IV, and VI, which all require Y is phenyl and A is pyridine, should be combined as they only differ in the amine part of the compound, i.e., the group R^1R^2N- may be a (saturated) cyclic amine or a non-heterocyclic amine, which can be varied without losing MCH activity and is supported by many examples in the specification. Such Groups should be joined and examined together as they are sufficiently related such that the search for relevant art for one Group would be expected to uncover prior art that is relevant to the other Group, since each of these Groups have related structure. Thus, a search for relevant art and subsequent examination of the proposed claim would not be an undue burden on the Examiner and restriction should be withdrawn. M.P.E.P. § 803.

Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 24, 2006.

Timothy Witkowski
 Timothy X. Witkowski
 Registration No. 40,232

10-24-2006
 Dated

Respectfully submitted,

Timothy Witkowski

Timothy X. Witkowski
 Registration No. 40,232
 Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
 Patent Department
 900 Ridgebury Road
 P.O. Box 368
 Ridgefield, CT 06877
 Telephone: (203) 798-4310
 Facsimile: (203) 798-4408